

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                  |   |                |
|----------------------------------|---|----------------|
| CHRISTIANA VENTURES, INC., and   | : |                |
| JOSEPH CAPANO,                   | : |                |
|                                  | : |                |
| Plaintiffs,                      | : |                |
|                                  | : | C.A. No. _____ |
| v.                               | : |                |
|                                  | : |                |
| SELECTIVE WAY INSURANCE COMPANY  | : |                |
| a/k/a SELECTIVE INSURANCE GROUP, | : |                |
| INC.,                            | : |                |
|                                  | : |                |
| Defendant.                       | : |                |

**NOTICE OF REMOVAL**

Pursuant to Title 28 U.S.C. §1441, defendant Selective Way Insurance Company ("Selective") hereby files this Notice of Removal and states as follows:

1. On or about April 11, 2005, plaintiffs commenced a lawsuit entitled Christiana Ventures, Inc., et al. v. Selective Way Insurance Company, Civil Action No. 05C-04-094 JRS, in the Superior Court In And For New Castle County, Delaware. Copies of the Complaint and Summons were served on the Delaware Insurance Commissioner on April 26, 2005 pursuant to 18 Del. C. § 525. The Delaware Insurance Commissioner mailed the Summons and Complaint to Selective on April 27, 2005. Under 18 Del. C. § 525(b), service was deemed to have been effected three days after the mailing, *i.e.*, on April 30, 2005. The Summons and Complaint were received by Selective on May 3, 2005.

2. Pursuant to Title 28 U.S.C. § 1446(a), defendant Selective has attached as Exhibit A, a copy of the Complaint and Summons that were served on Selective in the above-referenced Superior Court action. The documents attached as Exhibit A represent all the process, pleadings,

and orders served upon Selective in the Superior Court action. No further proceedings have occurred in the Superior Court action.

3. Plaintiff Christiana Ventures, Inc., upon information and belief, was, at the time the Superior Court action was commenced, and still is, a Delaware corporation with its principal place of business in Delaware. Plaintiff Joseph Capano, upon information and belief, was, at the time the Superior Court action was commenced, and still is, a Delaware citizen.

4. Selective is a New Jersey corporation with its principal place of business in New Jersey.

5. This action is a civil action in which plaintiffs claim, damages allegedly suffered as a consequence of Selective's alleged wrongful failure to defend it under the terms of an insurance policy to which plaintiffs allegedly are insureds. Upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

6. This case is removable to this United States District Court by virtue of the amount in controversy and the complete diversity that exists between plaintiffs and defendant. Consequently, this Court has jurisdiction over this dispute pursuant to Title 28 U.S.C. § 1332, and the case may be removed pursuant to Title 28 U.S.C. § 1441.

7. Pursuant to Title 28 U.S.C. § 1446(b), this Notice of Removal is filed with this Court within 30 days after receipt by defendant, through service or otherwise, of the initial pleading, setting forth the claim for relief upon which the above-referenced Superior Court action is based.

WHEREFORE, Selective Way Insurance Company respectfully requests that the above-referenced action be removed from the Superior Court of the State of Delaware In And For New Castle County to this Court.

Respectfully Submitted,

*Jonathan L. Parshall*  
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